

REMARKS

Applicants have carefully reviewed the Office Action dated April 6, 2004. Claims 1-20 are pending in this application. Applicants have amended Claims 1, 3, 10, 12, 19 and 20 to more clearly point out the present inventive concept. Claims 6 and 15 have been canceled. Reconsideration and favorable action is respectfully requested.

Claims 6, 15, 19 and 20 stand rejected under 35 U.S.C. §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claims 6 and 15 have been canceled. Claims 19 and 20 have been amended. Applicants believe that Claims 19 and 20 now overcome this rejection, the withdrawal of which is respectfully requested.

Claims 1-8, 10-17, and 19-20 stand rejected under U.S.C. §103(a) as being unpatentable over *Palmer et al.* in view of *Watanabe*. This rejection is respectfully traversed with respect to the amended claims.

Applicants appreciate the Examiner's detailed discussion of the references as they are applied to the claims. Applicants believe that the primary issue that exists is with respect to novelty in view of the fact that Applicants' claimed invention requires a common network which, in the amended claims, further clarifies that this common network utilizes a common network protocol. Applicants in the previous papers have stated that novelty is believed to exist due to the fact that *Palmer* and *Watanabe* utilize separate networks, i.e., the audio signal is received over a broadcast network such as the television network, and the data connection utilizing the URL is provided through an Internet connection. By utilizing a common network with a common network protocol, Applicants believe that this distinguishes the claims over the references. The Examiner is utilizing the argument that all of the broadcast signals and data signals exist on a common "logical" network. Applicants respectfully request the Examiner to reconsider his position that no novelty exists due to the fact that separate networks are disclosed in the references and a common network is utilized by Applicants as set forth in the claims. Applicants believe

AMENDMENT AND RESPONSE
S/N 09/378,222
Atty. Dkt. No. PHLY-24,670

that neither *Palmer* nor *Watanabe* suggest or provide any motivation to transmit a streaming audio signal on a common network with a first network protocol and, utilizing the first network protocol, allow a connection to be made with a destination over the common network before receiving information therefrom. As such, Applicants respectfully request the withdrawal of the U.S.C. §103(a) rejection with respect to Claims 1-8, 10-17 and 19-20.

Claims 1-8, 10-17, and 19-20 stand rejected under 35 U.S.C. §103(a) as being unpatentable over *Portuesi*, in view of *Sherman* and *Hudetz*. This rejection is respectfully traversed.

The *Portuesi* reference is a reference that basically provides for the embedding of URL information in a multimedia presentation, i.e., video with audio. There is one protocol for a data transmission or information transmission. This URL information is then utilized to make a connection to a network using a different protocol and network. The addition of the two references, the *Sherman* and *Hudetz*, is similar to *Palmer* in that they utilize URLs to make a connection to a destination on a network. Again, the deficiency that Applicants note with respect to the combination of *Portuesi*, *Sherman* and *Hudetz* is that *Portuesi* provides the embedded URL information on a separate input and is not provided from a content provider over a network with a first protocol, which first protocol is utilized over the same network to connect to a remote destination to receive information therefrom. Therefore, Applicants respectfully request the withdrawal of the U.S.C. §103(a) rejection with the remaining of Claims 1-8, 10-17 and 19-20.

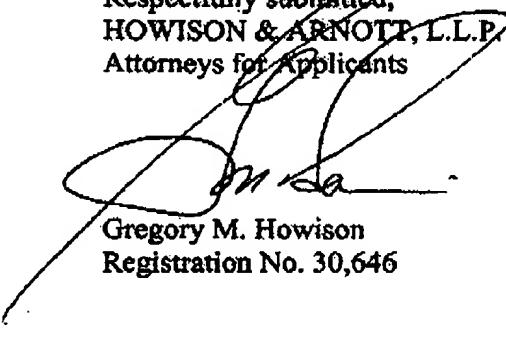
As noted hereinabove, Applicants believe that the primary issue in the present case is novelty with respect to the content provider providing the audio with the embedded URL over the same network providing the connection between the user's computer and the destination node. Although there may be other aspects that provide a novel distinction between the references and the claims as amended, Applicants believe that this issue is one that clearly provides a distinction. As such, reconsideration of this issue is respectfully requested.

AMENDMENT AND RESPONSE
S/N 09/378,222
Atty. Dkt. No. PHLY-24,670

10

Applicants have now made an earnest attempt in order to place this case in condition for allowance. For the reasons stated above, Applicants respectfully request full allowance of the claims as amended. Please charge any additional fees or deficiencies in fees or credit any overpayment to Deposit Account No. 20-0780/PHLY-24,670 of HOWISON & ARNOTT, L.L.P.

Respectfully submitted,
HOWISON & ARNOTT, L.L.P.
Attorneys for Applicants


Gregory M. Howison
Registration No. 30,646

GMH/yoc

P.O. Box 741715
Dallas, Texas 75374-1715
Tel: 972-479-0462
Fax: 972-479-0464
July 2, 2004

AMENDMENT AND RESPONSE
S/N 09/378,222
Atty. Dkt. No. PHLY-24,670